

DEPARTMENT OF ~~LICENSING AND REGULATORY AFFAIRS~~ **LABOR AND ECONOMIC OPPORTUNITY**

DIRECTOR'S OFFICE

~~OCCUPATIONAL HEALTH~~ **GENERAL INDUSTRY SAFETY AND HEALTH STANDARDS**

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of ~~licensing and regulatory affairs~~ **labor and economic opportunity** by sections 14 and 24 of **the Michigan occupational safety and health act**, 1974 PA 154, MCL 408.1014 and 408.1024, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, ~~and~~ 2011-4, **and 2019-3**, MCL 445.2001, 445.2011, 445.2025, ~~and~~ 445.2030, **and 125.1998**)

R 325.51651 of the Michigan Administrative Code is amended, and R 325.51652 and R 325.51653 are rescinded, as follows:

PART 313. METHYLENE CHLORIDE

R 325.51651 ~~Scope and application~~ **Scope, applicability, adoption, and standards by reference standards.**

Rule 1. (1) These rules apply to all occupational exposures to methylene chloride (MC), chemical abstracts service registry no. 75-09-2, in all industries covered by **the Michigan occupational safety and health act**, 1974 PA 154, ~~known as the Michigan Occupational Safety and Health Act (MIOSHA)~~, MCL 408.1001 to 408.1094.

(2) These rules replace all references to methylene chloride contained in table G-2 in ~~Occupational~~ **General Industry Safety and Health Standard** Part 301. "Air Contaminants for General Industry," ~~as referenced in R 325.51653.~~

(3) **The following federal Occupational Safety and Health Administration (OSHA) regulations are adopted by reference in these rules.**

(a) **29 CFR 1910.1052 "Methylene Chloride," effective May 14, 2019.**

(b) **29 CFR 1926.1152 "Methylene Chloride," effective January 10, 1997.**

(4) **All of the following provisions apply with respect to the regulations adopted in subrule (1) of these rules:**

(a) A reference to **29 CFR 1910.120, "Hazardous waste operations and emergency response,"** means **General Industry and Construction Safety Standard Part 432. "Hazardous Waste Operations and Emergency Response."**

(b) A reference to 29 CFR 1910.133, “Eye and face protection,” means General Industry Safety and Health Standard Part 433. “Personal Protective Equipment,” General Industry Safety and Health Standard Part 33. “Personal Protective Equipment,” and Construction Safety and Health Standard Part 6. “Personal Protective Equipment.” as referenced in R 325.51653.

(c) A reference to 29 CFR 1910.1200 and 29 CFR 1926.59 “Hazard Communication,” means Occupational Health Standard Part 430. “Hazard Communication,” General Industry Safety Standard Part 92. “Hazard Communication,” and Construction Safety Standard Part 42. “Hazard Communication.”

(d) A reference to 29 CFR 1910.1020 “Access to employee exposure and medical records,” means General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets.”

(5) The provisions of 29 CFR 1910.1052 and 29 CFR 1926.1152 have the same force and effect as rules promulgated under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(6) The standards adopted in subrule (1) of this rule are available from the United States Department of Labor, Occupational Safety and Health Administration website: [www.osha.gov](http://www.osha.gov), at no charge as of the time of adoption of these rules.

(7) The standards adopted in subrule (1) of this rule are also available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 W. Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(8) The standards adopted in subrule (1) of this rule may be obtained from the publisher or may also be obtained from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 W. Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(9) Appendices A, B, and C, to these rules are informational only and are not intended to create any additional obligations or requirements not otherwise imposed or to detract from any established obligations or requirements.

(10) The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 W. Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: [www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards). For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety and Health Standard Part 6. “Personal Protective Equipment,” R 408.40601 to R 408.40660.

(b) General Industry Safety and Health Standard Part 33. “Personal Protective Equipment,” R 408.13301 to R 408.13398.

(c) General Industry Safety and Health Standard Part 433. “Personal Protective Equipment,” R 325.60001 to R 325.60013.

**(d) Construction Safety Standard Part 42. “Hazard Communication,” R 408.44201 to R 408.44204.**

**(e) General Industry Safety Standard Part 92. “Hazard Communication,” R 408.19201 to R 408.19204.**

**(f) Occupational Health Standard Part 430. “Hazard Communication,” R 325.77001 to R 325.77004.**

**(g) General Industry Safety and Health Standard Part 301. “Air Contaminants for General Industry,” R 325.51101 to R 325.51108.**

**(h) General Industry and Construction Safety Standard Part 432. “Hazardous Waste Operations and Emergency Response,” R 325.52101 to R 325.52137.**

**(i) General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.**

~~R 325.51652. Adoption of standards by reference~~**Rescinded.**

~~Rule 2. (1) The following federal occupational safety and health administration (OSHA) regulations are adopted by reference in these rules:~~

~~–(a) 29 C.F.R. §1910.1052 “Methylene chloride,” effective March 26, 2012.~~

~~–(b) 29 C.F.R. §1926.1152 “Methylene chloride,” effective January 10, 1997.~~

~~–(2) All of the following provisions apply with respect to the regulations adopted in subrule (1) of these rules:~~

~~–(a) A reference to 29 C.F.R. §1910.120, “Hazardous waste and emergency response,” means Occupational Health Standard Part 432 “Hazardous Waste Operations and Emergency Response,” as referenced in R 325.51653.~~

~~–(b) A reference to 29 C.F.R. §1910.133, “Eye and face protection,” means Occupational Health Standard Part 433 “Personal Protective Equipment;” General Industry Safety Standard Part 33 “Personal Protective Equipment;” and Construction Safety Standard Part 6 “Personal Protective Equipment;” as referenced in R 325.51653.~~

~~–(c) A reference to 29 C.F.R. §1910.1200 and 29 C.F.R. §1926.59 “Hazard communication,” means Occupational Health Standard Part 430 “Hazard Communication;” General Industry Safety Standard Part 92 “Hazard Communication;” and Construction Safety Standard Part 42 “Hazard Communication;” as referenced in R 325.51653.~~

~~–(d) A reference to 29 C.F.R. §1910.1020 “Access to employee exposure records and medical records,” means Occupational Health Standard Part 470 “Employee Medical Records and Trade Secrets,” as referenced in R 325.51653.~~

~~–(3) The provisions of 29 C.F.R. §1910.1052 and 29 C.F.R. §1926.1152 have the same force and effect as rules promulgated under 1974 PA 154, known as the Michigan Occupational Safety and Health Act (MIOSHA), MCL 408.1001 to 408.1094.~~

~~–(4) The standards adopted in subrule (1) of this rule are available from the United States Department of Labor, Occupational Safety and Health Administration website: [www.osha.gov](http://www.osha.gov), at no charge as of the time of adoption of these rules.~~

~~–(5) The standards adopted in subrule (1) of this rule are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Lansing, Michigan, 48909 8143.~~

~~–(6) The standards adopted in subrule (1) of this rule may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs,~~

~~MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and handling.~~

~~-(7) Appendices A, B, and C, to these rules are informational only and are not intended to create any additional obligations or requirements not otherwise imposed or to detract from any established obligations or requirements.~~

**R 325.51653 MIOSHA referenced standards ~~Rescinded.~~**

~~Rule 3. The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: [www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards). For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.~~

~~-(a) Construction Safety Standard Part 6 "Personal Protective Equipment," R 408.40601 to R 408.40641.~~

~~-(b) General Industry Safety Standard Part 33 "Personal Protective Equipment," R 408.13301 to R 408.13399.~~

~~-(c) Occupational Health Standard Part 433 "Personal Protective Equipment," R 325.60001 to R 325.60013.~~

~~-(d) Construction Safety Standard Part 42 "Hazard Communication," R 408.44201 to R 408.44203.~~

~~-(e) General Industry Safety Standard Part 92 "Hazard Communication," R 408.19201 to R 408.19203.~~

~~-(f) Occupational Health Standard Part 430 "Hazard Communication," R 325.77001 to R 325.77003.~~

~~-(g) Occupational Health Standard Part 301 "Air Contaminants for General Industry," R 325.51101 to R 325.51108.~~

~~-(h) Occupational Health Standard Part 432 "Hazardous Waste Operations and Emergency Response," R 325.52101 to R 325.52137.~~

~~-(i) Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets," R 325.3451 to R 325.3476.~~